IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 4TH SEPTEMBER 2007 / 13TH BHADRA 1929

Bail Appl..No. 5050 of 2007()

CC.501/2006 of ADDL.DIST. COURT (ADHOC)III, TRIVANDRUM
CRIME NO.140/04 OF KAZHAKUTTAM POLICE STATION.

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PETITIONER/IST ACCUSED

SHIBU @ PEELI SHIBU, AGED 26,
S/O.SIVANANDAN, MANAKATTUVILAKOM VEEDU,
SANTHI NAGAR, T.C.31/1075, NEAR STATION KADAVU,
VAIKALATHU MURY, ATTIPRA VILLAGE,
THIRUVANANTHAPURAM.

BY ADV. SRI.BLAZE K.JOSE

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
REPRESENTING, CIRCLE INSPECTOR OF POLICE,
KAZHAKUTTAM POLICE STATION.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/09/2007 ALONG WITH B.A.NO.5059 OF 2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. Nos.5050 & 5059 OF 2007

Dated this the 4th day of September, 2007

ORDER

These applications are for regular bail. The common petitioner is an accused in C.C.Nos.422 & 501 of 2006 - both pending before the learned Judicial Magistrate of the First Class-III, Thiruvananthapuram. The petitioner continues in custody in these cases from 9/5/07 and 2/6/07. The allegations relate to the commission of serious offences of theft of vehicles. The petitioner is involved in many other similar crimes. The learned counsel for the petitioner prays that the petitioner may be enlarged on bail in these two cases.

2. These applications are stoutly opposed by the learned Public Prosecutor who submits that the trial has already commenced and, in these circumstances, the release of the petitioner would further contribute to the delay and protraction of the proceedings. The petitioner was not

available for trial and it is, in these circumstances, that these old matters relating to the crimes registered in 2004 and 2002 are continuing to be pending.

3. In the nature of opposition raised by the learned Public Prosecutor, a report of the learned Magistrate was called for. The report dated 30/8/07 has been received. The learned Magistrate reports that the trial has already commenced and the matter stands posted for examination of the remaining witnesses to 6/9/07 and 11/9/07. The learned Magistrate has further reported that the cases can be disposed of within a period of two months.

4. I do, in these circumstances, find merit in the opposition by the learned Public Prosecutor. I am satisfied that there ought to be a direction to the learned Magistrate to dispose of both the cases as expeditiously as possible – at any rate, before 4/11/07. If the cases are not disposed of by that date, the petitioner shall be at liberty to approach this Court for bail

again.

5. The Registry shall forthwith communicate this direction to the learned Magistrate.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge